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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 SHAVONDA HAWKINS, on behalf of
12 herself and all others similarly situated
13 Plaintiff,
14 v.
15 THE KROGER COMPANY,
16 Defendant.

Case No.: 15cv2320 JM(AHG)

ORDER ON EX-PARTE MOTION

17 On August 4, 2020, Plaintiff filed an *Ex Parte* Motion for Leave to File Reply to
18 Kroger's Supplemental Brief in Opposition to Class Certification. (Doc. No. 229.)
19 Plaintiff contends that after she filed her supplemental brief, the Ninth Circuit
20 issued *Greene v. Harley-Davidson, Inc.*, 965 F.3d 767, (9th Cir. 2020), that this case
21 directly addresses issues before the court, and had she been given the opportunity she
22 would have extensively cited it.

23 Accordingly, the court **GRANTS IN PART**¹, Plaintiff's *ex-parte* motion and orders
24 as follows:
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28 ¹ Plaintiff's motion is denied to the extent she is seeking permission to file the Reply
attached to the *ex-parte* motion. (See Doc. No. 229-2 at 2-8.)

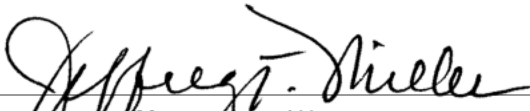
1 1. Plaintiff has up to and including *August 10, 2020*, to file a reply limited to
2 addressing the holding in *Greene*.

3 2. Defendant has up to and including *August 17, 2020*, to file a sur-reply.

4 The briefs are not to exceed **3 pages**, excluding any exhibits.

5 IT IS SO ORDERED.

6 Dated: August 5, 2020

7 
8 Hon. Jeffrey T. Miller
9 United States District Judge